

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

EAST TENNESSEE NATURAL GAS CO.,))	
)	
Plaintiff,))	Case No. 4:02-CV-00225
)	
v.))	
)	
1.04 Acres in Smyth County, Virginia,))	<u>ORDER</u>
et. al.,))	
)	
Defendants.))	By: Jackson L. Kiser
)	United States District Court

Before me is the *Plaintiff's Motion for an Order in Limine Excluding Testimony of Charles Williams* [92]. An identical *Motion* [69] was filed by the Plaintiff in case number 4:02-CV-00220, East Tennessee Natural Gas v. 2.67 Acres in Smyth County, Virginia, et. al. on August 5, 2005. According to the style of the *Motion* filed in 4:02-CV-00220, it was to apply to both this case, 4:02-CV-00225, and 4:02-CV-00220. However, the Plaintiff's counsel failed to file the *Motion* in this case, 4:02-CV-00225. The *Motion* was filed in this case on January 10, 2006 by the Plaintiff's counsel so that it may become part of the record.

The Chairman of the Commissioners to which both cases were assigned, Judge William Sweeney, ruled on both *Motions* for the sake of both cases in a single *Order* dated September 7, 2005. It is hereby ordered that Judge Sweeney's decision on this *Motion*, embodied in the *Order* dated September 7, 2005 will remain in effect. It is further ordered that this *Motion* will be accepted as filed by the Plaintiff nunc pro tunc as of August 5, 2005, and will therefore be added to the record of this case.

The Clerk is directed to send certified copies of this *Order* to all counsel of record.

Entered this 19th day of January, 2006.

s/Jackson L. Kiser
Senior United States District Judge